

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
APRIL 20, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Vivian Rojas and Anthony W. Cobos. Late Arrival: Daniel S. Power arrived at 9:24 a.m. and Paul J. Escobar arrived at 9:32 a.m. Absent: None. Meeting was called to order at 9:05 a.m. and the invocation was given by Police Chaplain Sam Binswanger, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. ***Día de los Niños/Día de Los Libros Day***
2. ***National Rebuild Day***
3. ***National Occupational Therapy Month***

No action was taken on the presentation to City Council on the progress of the Animal Regulation Spay/Neuter Van and the Spay/Neuter Voucher program funded in the City/County Health District Budget for FY 2004. [James Kluetz and Patricia Wickham, City-County Animal Shelter Advisory Committee]

Mr. James Kluetz and Ms. Patricia Wickham, City-County Animal Shelter Advisory Committee members, presented a Powerpoint presentation (on file in the City Clerk's office) regarding the quarterly progress report on the mobile spay/neuter van and voucher program to the Council Members and responded to questions and comments.

No action was taken on the following item: Community support for our organization.
[Bruce Black, El Paso Advocacy for Mental Health, Inc.]

Mr. Bruce Black, Executive Director, El Paso Advocacy for Mental Health, Inc., explained the programs and services provided by El Paso Advocacy for Mental Health, Inc. and sought the Council Members' support.

No action was taken on the Presentation and Report on Impediments to Fair Housing Choice that will be given by the Fair Housing Task Force. [Ricardo Hernandez, Fair Housing Task Force Board Chairman]

Ms. Patricia White, Community and Human Development, provided an overview of the Fair Housing Task Force Board and introduced Mr. Ricardo Hernandez, Fair Housing Task Force Board Chairman.

Mr. Hernandez expounded on the 12 impediments to fair housing compiled by the Task Force Board (on file in the City Clerk's office) and answered questions from and responded to comments made by the Council Members.

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Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of April 13, 2004 and Legislative Review Committee of the Whole Meeting of April 5, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting a Temporary Easement for Construction to Dade Aviation, Inc. on a parcel of land located immediately adjacent to the northerly boundary of Lot 25 and ½ of the westerly portion of Lot 26, Block 4 municipally known as 7605 Boeing Dr.

.....
Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to reconsider the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

See discussion on page four regarding the Joint Resolution between the PSB and the City of El Paso discussed together with this resolution and BT2004-645 BUILDING AND PLANNING SERVICES

Motion made by Representative Cook, seconded by Representative Power and carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

AYES: Representatives Cushing, Lozano, Cook, Power, Escobar and Rojas

NAYS: Representatives Austin and Cobos

NOTE: This item was discussed together with Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer; and BT2004-645 BUILDING AND PLANNING SERVICES.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Deputy Chief Administrative Officer for Building and Planning Services, Patricia D. Adauto, be authorized to act as the representative for the City of El Paso in matters relating to property acquisitions associated with approved capital projects for the City of El Paso and that she be further authorized to sign all documents necessary to complete property acquisition transactions.

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*Motion made, seconded and unanimously carried to delete a Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code regulation Section 1.150-2(e), to finance certain expenditures to be incurred for Year 2004 Capital Improvements and Equipment Acquisitions from the proceeds of the sale of City Tax-Exempt Obligations. (New McCombs Cells; Old Clint Closure; Waste Screening Areas; Clint Water Well; McCombs Water Well; Scales; Radiation Detector; and Capital Equipment).
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract of Sale between the **CITY OF EL PASO** and **SIMON CHAVEZ ORTIZ** for the purchase of

Parcel - 3 - 1,505 square feet, more or less, being a portion of Lot 14, Block 2, of Hueco View Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat Records of El Paso County, Texas

to be used for the Edgemere Extension Project.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract of Sale between the **CITY OF EL PASO** and **SOCORRO INDEPENDENT SCHOOL DISTRICT** for the purchase of

Parcel - 9 - 1.213 acres, more or less, being a portion of Lots 8 and 9, Block 7; and a portion of Lot 9, Block 8; and a portion of Harkis Road vacated by Ordinance No. 15315, recorded in volume 4556, Page 455, Real Property Records of El Paso, County, Texas, and Quitclaim Deed recorded in Volume 4430, Page 1338, Real Property Records of El Paso County, Texas, of Hueco View Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 4, Page 41, of the Plat Records, El Paso County, Texas,

to be used for the Edgemere Extension Project.

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Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer.

Representative Cook questioned Mr. Matt Watson, Assistant City Attorney, concerning the 1965 Memorandum of Agreement regarding land exchange between the City of El Paso and the Public Service Board.

1st Motion:

Representative Cook moved to postpone one (1) week. Representative Power seconded.

AYES: Representatives Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos
NAYS: Representative Austin

2nd Motion:

Representative Cook moved to reconsider the above Resolution. Representative Escobar seconded.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

Ms. Terri Cullen-Garney, Deputy City Attorney, provided legal advice and requested that additional agenda items relative to the issue be postponed.

3rd Motion:

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to reconsider the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code; and

BT2004-645 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$120,000 to pay for infrastructure improvements in connection with the development of park site at Franklin Hills. Funding source is HFC funds.

Increase	\$120,000	to	31125001/PPR000327624/508027	Construction
Increase	\$120,000	to	31125001/P50145827610/407002	Est Rev
Decrease	\$120,000	from	31125001/P50145827610/507001	Intrfd Trf
Increase	\$120,000	to	31125001/PPR000327624/407001	Intrfd Trf

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

Representatives Austin, Power, Cook, Cushing and Mayor Joe Wardy added comments.

4th Motion:

Motion made by Representative Cook, seconded by Representative Power and carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer; and

Item 6B: Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park.

This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code; and

Addition to the Agenda item 5: BT2004-645 BUILDING AND PLANNING SERVICES
Building and Planning Services proposes to appropriate \$120,000 to pay for infrastructure improvements in connection with the development of park site at Franklin Hills. Funding source is HFC funds.

Increase	\$120,000	to	31125001/PPR000327624/508027	Construction
Increase	\$120,000	to	31125001/P50145827610/407002	Est Rev
Decrease	\$120,000	from	31125001/P50145827610/507001	Intrfd Trf
Increase	\$120,000	to	31125001/PPR000327624/407001	Intrfd Trf

AYES: Representatives Cushing, Lozano, Cook, Power, Escobar and Rojas
NAYS: Representatives Austin and Cobos

NOTE: This item was discussed together with Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code; and BT2004-645 BUILDING AND PLANNING SERVICES.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Total Paid</u>
3007 Pera Avenue	\$1,984.59	\$1,217.58

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Total Paid</u>
1007 Florence Street	\$725.88	\$725.88

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council hereby establishes Just Compensation and approves an offer of Just Compensation for the following properties which are proposed to be acquired for the Zaragosa Access Road Improvement Project under the Twenty-Ninth Year (2003-2004) Community Development Program:

Parcel 1: A portion of Tract 21B, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 750 square feet, more or less. Value: \$1,932.00

- Parcel 2: A portion of Tract 21A, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 2248 square feet, more or less. Value: \$3,858.00
- Parcel 3: A portion of Tract 23B, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 1710 square feet, more or less. Value: \$2,394.00
- Parcel 4: A portion of Tract 22B, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 781 square feet, more or less. Value: \$1,094.00
- Parcel 5: A portion of Tract 23B1, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 2669 square feet, more or less. Value: \$3,737.00
- Parcel 6: A portion of Tract 21C1A, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 749 square feet, more or less. Value: \$4,400.00
- Parcel 7: A portion of Tract 21C1B, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 1497 square feet, more or less. Value: \$4,689.00
- Parcel 8: A portion of Tract 21F, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 675 square feet, more or less. Value: \$1,307.00
- Parcel 9: A portion of Tract 21C1C, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 123 square feet, more or less. Value: \$603.00
- Parcel 10: A portion of Tract 21E, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 785 square feet, more or less. Value: \$1,668.00
- Parcel 11: A portion of Tract 21C1, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 731 square feet, more or less. Value: \$2,825.00
- Parcel 12: A portion of Tract 21C, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 750 square feet, more or less. Value: \$1,342.00
- Parcel 13: A portion of Tract 21D, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 750 square feet, more or less. Value: \$1,468.00

And that the Mayor be authorized to sign Contracts of Sale with the respective owners for the above-mentioned properties.

Ms. Nathalie Prise, Interim Community and Human Development Director, responded to Representative Rojas' question regarding land acquisition.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Understanding by and between the City of El Paso and the El Paso City-County Health and Environmental District for the purpose of forming a collaboration between the Community Development Lead-Based Paint Hazard Control Program and the District's Childhood Lead Poisoning Prevention Program.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Mutual Termination of Contract by and between the City of El Paso and Bienvivir Senior Health Services whereby the parties mutually agree to terminate contract effective September 30, 2003 for the Substance Abuse and Mental Health Services Administration (SAMHSA) referred to as Project Focus.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eleven Thousand Five Hundred And No/100 Dollars (\$11,500.00, Grant-\$800.00 and Loan-\$10,700.00), against the following described real property:

Lot 27, Block 19, Ranchland Hills Addition No. 4, First Revised Map, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Book 17, Page 67, Plat Records of El Paso County, Texas; known and numbered as 7332 Benson

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Sixteen Thousand Five Hundred And No/100 Dollars (\$16,500.00, Grant-\$550.00 and Loan-\$15,950.00), against the following described real property:

Lot 31, Block 17, Thomas Manor Unit 4, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Volume 19, Page 29, Plat Records of El Paso County, Texas; known and numbered as 7856 Porche

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Fourteen Thousand Eight Hundred Fifty And No/100 Dollars (\$14,850.00, Grant-\$7,735.00 and Loan- \$7,115.00), against the following described real property:

Lot 55, Block 2, Sarah Anne Park, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 34, Page 16, Plat Records of El Paso County, Texas; known and numbered as 5729 Sarah Anne

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Thirty Four and No/100 Dollars (\$134.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Assumption and Loan Modification Agreement by and between the City of El Paso, James C. Klassen and Gustavo Andazola concerning the property located at 515 W. Missouri.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **KATHERINE NICOLE ARNOLD**, as a Graduate Intern for Economic Development Department, at an hourly rate of \$8.25, for up to 40 hours per week. The term of the contract shall be for the period of April 23, through July 23, 2004. Contract subject to the concurrence of the Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **BRUCE PONIKVAR**, to assist the El Paso Water Utilities as a PC LAN Specialist II at an hourly rate of \$18.38 for 40 hours per week. The term of the contract shall be for the period of April 21, 2004 through April 20, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **MORENO CARDENAS, INC.**, for a project known as "**Transportation Improvement Program Roadway Construction Projects - Lee Boulevard Phase II (Roadway Widening)**", in an amount not to exceed THREE HUNDRED TWENTY-FIVE THOUSAND TWO HUNDRED FIFTY-FOUR and 70/100 DOLLARS (\$325,254.70).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **KIMLEY-HORN AND ASSOCIATES, INC.**, for a two (2) year period for an amount not to exceed ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,500,000.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Escrow Agreement by and between the City of El Paso, the El Paso Community Foundation, the El Paso Plaza Theatre Corporation, and PT Annex, LLC in connection with the contribution made by the El Paso Community Foundation for the Plaza Theatre Project; and that the Escrow Agreement approved by City Council on March 29, 2004 be revoked and that this document be utilized by the parties to govern the disbursement of funds.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan, shall be amended, as recommended by the Civil Service Commission. The class of **EPWU WASTEWATER PLANT TECHNICIAN II** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain 3409. The Grade shall be GS 20.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan, shall be amended, as recommended by the Civil Service Commission. The Class of **EPWU WASTEWATER PLANT ASSISTANT SUPERINTENDENT** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain 3411. The Grade shall be GS 26.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan, shall be amended, as recommended by the Civil Service Commission. The Class of **EPWU WASTEWATER PLANT SUPERINTENDENT** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain 5462. The Grade shall be PM 78.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan, shall be amended, as recommended by the Civil Service Commission. The Class of **EPWU RECLAMATION PLANT SUPERINTENDENT** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain 5463. The Grade shall be PM 80.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan, shall be amended, as recommended by the Civil Service Commission. The class of **LANDSCAPE INSPECTOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is 9166. The Grade shall be GS 22.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MONICA I. CASTILLO**, to assist the Information Technology Department as an Applications Support Administrator at a biweekly rate of \$2,331.26 for 40 hours per week. The term of the contract shall be for the period of April 21, 2004 through April 20, 2006.

*Motion made, seconded and unanimously carried to postpone one (1) week a Resolution that the City Council hereby authorizes the use of a portion of the east side of the City Hall employee parking lot from 12:30 pm to 6:00 pm on Saturday, May 1, 2004, for use by participants and attendees in the Annual Girl Scout Awards Ceremony being held at the Scottish Rite Temple.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year 2003/2004 appropriations to be approved by the City Council.

NOLAN RICHARDSON RECREATION CENTER
DEPARTMENT ID: 51510074, ACCOUNT 502214

1. CONTRACTOR: Norma Alicia Yee, Aerobics Instructor
DATES: April 21, 2004 through August 31, 2004
RATE PER CL: \$10.00
MAXIMUM AMT: \$600.00
CONTRACT: 2003/2004-118

PAVO REAL RECREATION CENTER
DEPARTMENT ID: 51510115, ACCOUNT 502214

2. CONTRACTOR: Bernardo Franco, T-Ball Coordinator
DATES: April 25, 2004 through July 31, 2004
RATE PER CL: \$7.00
MAXIMUM AMT: \$1,204.00
CONTRACT: 2003/2004-119

ACOSTA SPORTS CENTER
DEPARTMENT ID: 51010215, ACCOUNT 502215

3. CONTRACTOR: Gerardo Garcia, Field Supervisor
DATES: April 22, 2004 through August 31, 2004
RATE PER CL: \$11.00
MAXIMUM AMT: \$3,300.00
CONTRACT: 2003/2004-120
4. CONTRACTOR: Esteban Raya, Scorekeeper
DATES: May 3, 2004 through August 31, 2004
RATE PER CL: \$15.00
MAXIMUM AMT: \$1,500.00
CONTRACT: 2003/2004-121
5. CONTRACTOR: David Pinon Sr., Scorekeeper
DATES: May 3, 2004 through August 31, 2004
RATE PER CL: \$17.50
MAXIMUM AMT: \$1,750.00
CONTRACT: 2003/2004-122

- 6. CONTRACTOR: Rodolfo Valles, Field Supervisor
 DATES: April 30, 2004 through August 31, 2004
 RATE PER CL: \$11.50
 MAXIMUM AMT: \$1,150.00
 CONTRACT: 2003/2004-123

- 7. CONTRACTOR: Gilberto A. Pinon Jr., Scorekeeper
 DATES: April 21, 2004 through August 31, 2004
 RATE PER CL: \$6.25
 MAXIMUM AMT: \$2,100.00
 CONTRACT: 2003/2004-124

- 8. CONTRACTOR: Perry Huddleston, Official/Scorekeeper
 DATES: April 21, 2004 through August 31, 2004
 RATE PER CL: \$44.00
 MAXIMUM AMT: \$4,400.00
 CONTRACT: 2003/2004-125

- 9. CONTRACTOR: Sun City Officials Association
 DATES: April 21, 2004 through August 31, 2004
 RATE PER CL: \$44.00
 MAXIMUM AMT: \$4,400.00
 CONTRACT: 2003/2004-126

- 10. CONTRACTOR: Gloria Valles, Field Supervisor
 DATES: April 30, 2004 through August 31, 2004
 RATE PER CL: \$12.00
 MAXIMUM AMT: \$1,200.00
 CONTRACT: 2003/2004-127

GALATZAN RECREATION CENTER
DEPARTMENT ID: 51510131, ACCOUNT 502215

- 11. CONTRACTOR: Martin Maldonado, Official
 DATES: April 28, 2004 through July 31, 2004
 RATE PER CL: \$21.00
 MAXIMUM AMT: \$2,100.00
 CONTRACT: 2003/2004-128

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARLO L. TENA**, to assist the Police Department as a Department Volunteer Coordinator at an hourly rate of \$13.24 for 40 hours per week. The term of the contract shall be for the period of April 24, 2004 through April 23, 2005.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18th day of May, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3404 Montridge Court, in El Paso, Texas, which property is more particularly described as:

Lot 12 plus the East 1 foot of Lot 11 and the West 1 foot of Lot 13, Block 6, Monterrey Park, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 20, Page 13, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Robert C. & Mary Oberlander, P. O. Box 640773, El Paso, Texas 79904, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18th day of May, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 11661 Norman Montion Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 43, Block 66, Vista Hills Unit Twenty, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 65, Page 35, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ida M. Poole, 11661 Norman Montion Drive, El Paso, Texas 79936, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made, seconded and unanimously carried to approve the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Casillas, Thomas – Coach Operator**
B. Rodriguez, Oscar – Police Officer

*Motion made, seconded and unanimously carried to approve the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Guard (1)**
B. Municipal Service Assistant Director for Facilities Management (1)

*Motion made, seconded and unanimously carried to postpone one (1) week the request for provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Civil Service Recorder (1)

***Motion made, seconded and unanimously carried to approve the Staffing Table Change for PARKS & RECREATION**

Add	1.00	Recreation Services Coordinator	PM 75
Add	1.00	Recreation Specialist	GS 17

*Motion made, seconded and unanimously carried to delete the Staffing Table Change for **TAX**

Delete	1.00	Cashier II	GS 16
Delete	1.00	Cashier II	GS 16

.....
*Motion made, seconded and unanimously carried to delete the board appointment of Melissa Y. Foster to the City Plan Commission to fill an unexpired term by Mayor Pro Tempore Cobos, District 8.

.....
*Motion made, seconded and unanimously carried to appoint Martin Silva to the International Bridge Commission as requested by Mayor Pro Tempore Anthony W. Cobos, District 8.

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #L220-000-0020-0300, \$202.52 per month installments on a balance of \$3,645.36 for 1999, 2000, 2001, 2002 & 2003 taxes; Ebernado & Esperanza Lopez - 111 Sleepy.
- B. PID #L681-999-03120-6900, \$689.71 per month installments on a balance of \$4,138.26 for 2001 & 2002 taxes; Albert Dominguez – 609 Cardon St.
- C. PID #P654-999-0390-2300, \$172.54 per month installments on a balance of \$3,105.72 for 2002 taxes; Martha Mora & Raquel Barrozo – 3144 Edgerock Dr.
- D. PID #R766-999-0020-5700, \$289.03 per month installments on a balance of \$2,890.30 for 2003 taxes; Michael J. White & Luz C. White - 7532 Half Moon Dr.
- E. PID #'s S917-999-002D-8800 & S917-999-002E-0100, \$1,330.85 per month installments on a balance of \$11,977.65 for 2003 taxes; Juan & Ana Ramirez – 4488 – 4499 Titanic.
- F. PID #T213-999-0140-2400, \$494.22 per month installments on a balance of \$5,930.64 for 2003 taxes; Philip R. & Pamela A. Payne – 6804 Canyon Run Dr.
- G. PID #V930-999-0050-0400, \$902.71 per month installments on a balance of \$5,416.24 for 2000, 2001 & 2002 taxes; Martin L. & San J. C. Wilson – 1584 Diego Rivera Dr.
- H. PID #'s 2001-999-2054-0034 & 2001-999-0207-0042, \$267.50 per month installments on a balance of \$3,210.00 for 2001, 2002 & 2003 taxes; Eduardo Quezada – 219 El Paso.

.....
*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Irwin Mortgage Corporation in the amount of \$4,624.62, overpayment of 2003 taxes.
(PID #C340-999-1520-3300)
- B. Fairbanks Capital Corporation % Lereta Corp. in the amount of \$2,921.10, overpayment of 2002 taxes.
(PID #H788-010-0490-0250)
- C. Wells Fargo Real Estate Tax Service in the amount of \$27,253.16, overpayment of 2002 taxes.
(PID #I900-999-0010-0950)
- D. Homecomings Financial in the amount of \$2,695.32, overpayment of 2003 taxes.
(PID #P654-999-1320-3100)
- E. Countrywide Tax Services Corporation in the amount of \$2,578.10, overpayment of 2003 taxes.
(PID # S502-999-0080-7900)
- F. National City Mortgage in the amount of \$6,796.14 overpayment of 2002 taxes.
(PID #T123-999-0030-0100)
- G. Columbia National, Inc., in the amount of \$5,268.69 overpayment of 2003 taxes.
(PID #T230-999-0120-0300)
- H. GMAC Mortgage Corp. in the amount of \$2,720.09, overpayment of 2003 taxes.
(PID #V893-999-5030-5300)
- I. Hector Rivas in the amount of \$3,491.75, overpayment of 2003 taxes.
(PID #V897-999-0310-5700)

- *Motion made, seconded and unanimously carried to approve the request to allocate the use of District 1 discretionary funds in the amount of \$200.00 for the Día de los Niños Día de los Libros celebration on April 24, 2004 by Representative Susan Austin, District 1.

Option No.: One [of One]

Award to: C-Us-Clean
Item (s): 1 & 2
Amount: \$37,771.92 (estimated yr.)

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. This contract is mostly labor costs. Bidder with lower percentage offer on parts had higher labor rates. This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-626 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$550,629 to fund bond issuance costs for the 2004 CIP Bond election. Funding source is 2004 Bond election proceeds.

Increase	\$ 22,714	to	14200401/PBE04AD10129301/502105	BndFinAdvSv
Increase	\$ 22,714	to	14200401/PBE04AD10129301/407020	Bond Proc
Increase	\$ 7,549	to	14200402/PBE04AD10229302/502105	BndFinAdvSv
Increase	\$ 7,549	to	14200402/PBE04AD10229302/407020	Bond Proc
Increase	\$388,534	to	14200403/PBE04AD10329303/502105	BndFinAdvSv
Increase	\$388,534	to	14200403/PBE04AD10329303/407020	Bond Proc
Increase	\$ 54,062	to	14200404/PBE04AD10429304/502105	BndFinAdvSv
Increase	\$ 54,062	to	14200404/PBE04AD10429304/407020	Bond Proc
Increase	\$ 8,182	to	14200405/PBE04AD10529305/502105	BndFinAdvSv
Increase	\$ 8,182	to	14200405/PBE04AD10529305/407020	Bond Proc
Increase	\$ 2,000	to	04200401/PBE04AD10729307/502105	BndFinAdvSv
Increase	\$ 2,000	to	04200401/PBE04AD10729307/407020	Bond Proc
Increase	\$ 33,915	to	04200401/PBE04AD10929309/502105	BndFinAdvSv
Increase	\$ 33,915	to	04200401/PBE04AD10929309/407020	Bond Proc
Increase	\$ 33,673	to	14200411/PBE04AD11129311/502105	BndFinAdvSv
Increase	\$ 33,673	to	14200411/PBE04AD11129311/407020	Bond Proc

.....
 *Motion made, seconded and unanimously carried to approve the request of Aids Project El Paso to hold a walk on May 1, 2004 from 7:30 a.m. to 9:00 a.m. Route: Start at corner of Stanton and Cincinnati, turn right on Kansas to Rim Road, turn left on Rim Road, proceed on Rim Road to Robinson, turn left on Robinson to Piedmont, turn right on Piedmont to La Cruz, turn left on La Cruz to O'Keefe, turn left on O'Keefe to McKelligon turn left on McKelligon to Stanton, turn right on Stanton and finish at Cincinnati. Approximately 150 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 microphone, 2 speakers & portable p.a. system). PERMIT NO. 04-028 [Mike Coulter]

.....
 *Motion made, seconded and unanimously carried to approve the request of Paso del Norte Health Foundation to hold a cycling ride on May 29, 2004 from 7:00 a.m. to 10:00 a.m. Route: Start at 1608 Hawthorne to Rim Rd., proceed on Rim Rd. to Scenic Drive, proceed on Scenic Drive and finish at Red Bull and Richmond. Approximately 100-200 cyclists will take part. PERMIT NO. 04-029 [Enrique Mata]

.....
 *Motion made, seconded and unanimously carried to delete the request of Sageland Elementary to block off 7900 Block of Santa Monica between Venado and La Paz on April 30, 2004 from 10:45 a.m. to 1:00 p.m. for a block party. Approximately 600 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request also permission to use amplification (1 amplifier, 2 speakers, and 1 microphone). PERMIT NO. 04-031 [Sylvia Berry]

.....
 *Motion made, seconded and unanimously carried to postpone eight (8) weeks the introduction of an Ordinance changing the zoning of Tract 6A1 and a portion of Tract 6D, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Enrique Escobar; 301 E. Borderland Road #73, El Paso, TX 79932. ZON04-00037

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance authorizing the Mayor to sign a Contract of Sale, Special Warranty Deed, Release of Lien and all other related documents, conveying to Consuelo Acosta the west 30 feet of the east 60.30 feet of Lots 1-3, inclusive, Block 36, Magoffin's addition, an Addition to the City of El Paso, El Paso County, Texas (1025 E. Eighth Avenue).

PUBLIC HEARING WILL BE HELD ON MAY 4, 2004 FOR ITEM A

- B. An Ordinance changing the zoning of Tract 6A1 and a portion of Tract 6D, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Enrique Escobar; 301 E. Borderland Road #73, El Paso, TX 79932. ZON04-00037

PUBLIC HEARING WILL BE HELD ON MAY 11, 2004 FOR ITEM B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action concerning the installation of a multi-way (4-way) stop at the intersection of Parral and La Paz.

.....
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to postpone one (1) week the discussion and action on entering into a pilot recycling program with Nortoner to collect, remove and transport, or dispose of the City's empty toner, fax, inkjet and photocopier cartridges through the setting up of collection containers in diverse locations in El Paso. This pilot program would serve a public purpose by providing a recycling opportunity after the recent public concerns regarding the lack of recycling efforts by the City of El Paso; any monies generated from this recycling effort are considered public funds; and the collections would fall within the legal requirements of a \$3,000.00 limit without calling for competitive bidding, as defined by Legal.

Representative Power was not present for the vote.

Mr. Richard Razo, Assistant Director of Solid Waste Management, and Ms. Ruth Reyes, Assistant City Attorney, responded to Representative Lozano's concerns.

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No action was taken on the report from the Building Permits & Inspections Department on community site visits evaluating plan review, inspections, and third party services.

Ms. Patricia Aduato, Deputy CAO for Building and Planning Services, commented on future improvements to the Building Permits and Inspections Department.

Mr. Alan Shubert, Director of Building Permits and Inspections, gave a Powerpoint presentation (on file in the City Clerk's Office) regarding community visits utilizing third party plan review and inspection services and the status of third party plan review and inspection service for the Building Permits and Inspections Department. He answered questions from and responded to comments made by the Council Members.

Ms. Teresa Garcia, Assistant City Attorney, provided legal advice.

The following individuals commented on third party plan review and inspection service:

Mr. Thomas Killebrew, Metro Code Analysis representative,
Mr. Randy Bowling, El Paso Association of Builders; and
Mr. Ray Adauto, El Paso Association of Builders.

Representatives Power, Cushing, Austin, Cook, and Mayor Joe Wardy commented.

NOTE: This item was discussed together with the discussion and action related to the unanimous action of the El Paso City Council on April 13, 2004, to "direct staff" to provide a proposal to City Council to allow the "building industry" the authority to utilize "premium third party service for plan review while paying all applicable city fees", within one (1) week.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to reject Bid 2004-115 Washing Of Heavy Duty Equipment as recommended by Fleet Services and Purchasing Department.

A new request for bids for this requirement will be issued with new specifications.

ORDINANCE 15765

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO REGENT COMMUNICATIONS-EL PASO TO TEMPORARILY CLOSE A PORTION OF SANTA FE STREET BETWEEN FRANKLIN AVENUE AND SAN ANTONIO AVENUE; SAN FRANCISCO AVENUE (TROLLEY LANE) BETWEEN SANTA FE STREET AND EL PASO STREET; DURANGO STREET (ACCESS ROAD ABUTTING CONVENTION CENTER) BETWEEN SAN FRANCISCO AVENUE AND SAN ANTONIO AVENUE; AND MAIN DRIVE BETWEEN SANTA FE STREET AND EL PASO STREET; FROM 6:00 A.M. ON FRIDAY, JULY 2, 2004, THROUGH 2:00 P.M. ON MONDAY, JULY 5, 2004 FOR THE EL PASO DOWNTOWN STREET FESTIVAL.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to close the public hearing and discussion and action on the adoption of a Proposed Annual Action Plan including the 30th Year (2004-2005) Community Development Block Grant Program Budget, the FY 2004 Emergency Shelter Grant and FY 2004 HOME Investment Partnerships Program Budgets.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to adopt the Proposed Annual Action Plan including the 30th Year (2004-2005) Community Development Block Grant Program Budget, the FY 2004 Emergency Shelter Grant and FY 2004 HOME Investment Partnerships Program Budgets.

Representative Escobar was not present for the vote.

Representative Austin abstained from voting on items 20 through 30 and 105 of the 30th Year (2004-2005) Community Development Block Grant Program Budget Recommendations - April 20, 2004 (Affidavit on file in the City Clerk's Office).

Ms. Nathalie Prise, Provisional Community and Human Development Director, stated that funding sources for the Community Development Block Grant Program totaled \$18 million - Community Development Block Grant - \$12,439,833; Emergency Shelter Grant - \$383,463; HOME Investment Program - \$5,684,631; and explained how the Proposed Annual Action Plan budget was compiled.

Mr. Trini Acevedo, Community Development Steering Committee Chairman, made comments regarding the manner in which the funds were distributed and requested that Council adopt the proposed budget.

Representatives Cobos, Rojas and Escobar commented.

The following individuals made remarks regarding the Community Development Block Grant proposed budget:

- Mr. Basilio Valenzuela, President of the San Juan Senior Center;
- Ms. Marina Rios, San Juan Senior Center;
- Mr. Harry Taylor, President of the El Paso Lighthouse for the Blind;
- Ms. Ana Duenez, citizen; and
- Ms. Maria Elena Luna.

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council, having conducted a Public Hearing, hereby adopts a Proposed Annual Action Plan including the Proposed Budgets for the 30th Year (2004-2005) Community Development Block Grant Program, the FY 2004 Emergency Shelter Grant Program, and the FY 2004 HOME Investment Partnerships Program, and hereby directs that the Proposed Budgets for the 30th Year (2004-2005) Community Development Block Grant Program, the FY 2004 Emergency Shelter Grant Program, and the FY 2004 HOME Investment Partnerships Program, be published in the El Paso Times on Sunday, May 2, 2004, as part of the summary of the Proposed Annual Action Plan for 2004-2005 in order to provide the public with an opportunity to review the Proposed Budgets and the Annual Action Plan and submit comments to the City Council or the Department of Community and Human Development. The deadline for submission of written comments will be 5:00 p.m., on Wednesday, June 2, 2004. The City Council will conduct a public hearing in City Council Chambers at the City Council meeting on Tuesday, June 22, 2004, for the purpose of receiving comments from the public and adopting the Annual Action Plan, including the 30th Year (2004-2005) Community Development Block Grant Program Budget, the FY 2004 Emergency Shelter Grant Program Budget and the FY 2004 HOME Investment Partnerships Program Budget, for submission to the U.S. Department of Housing and Urban Development.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above resolution.

Representative Escobar was not present for the vote.

Representative Austin abstained from voting on items 20 through 30 and 105 of the 30th Year (2004-2005) Community Development Block Grant Program Budget Recommendations - April 20, 2004 (Affidavit on file in the City Clerk's Office).

ORDINANCE 15766

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III-PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON THE EAST SIDE OF ALLEY M FROM PAISANO DRIVE TO FIRST AVENUE, BETWEEN SAINT VRAIN STREET AND VIRGINIA STREET. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided an aerial photograph of the affected alley and responded to Representative Cobos' comments.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos

NAYS: None Absent: None

Council Member Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to delete an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **EPWU WASTEWATER PLANT TECHNICIAN II**.
.....

.....
*Motion made, seconded and unanimously carried to delete an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **EPWU WASTEWATER PLANT ASSISTANT SUPERINTENDENT**.
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.....
*Motion made, seconded and unanimously carried to delete an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **EPWU WASTEWATER PLANT SUPERINTENDENT**.
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.....
*Motion made, seconded and unanimously carried to delete an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **EPWU RECLAMATION PLANT SUPERINTENDENT**.
.....

ORDINANCE 15767

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, TO ADD A NEW RULE ADDRESSING OUTSIDE EMPLOYMENT FOR CIVIL SERVICE EMPLOYEES.**

Ms. Terry A. Bond, Director of Human Resources, elaborated on new Rule 29 that addressed outside employment for Civil Service employees.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos
NAYS: None Absent: None

Representative Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to send to the Parks and Recreation Legislative Review Committee an Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to provide new user fees for the use of Skate Park Areas of the Parks and Recreation Department.

Mr. Jim Martinez, Chief Administrative Officer, addressed Representative Power's question regarding the fee schedule and private use of skate parks.

Dr. Norman Merrifield, Director of Parks & Recreation, commented on the Noise and Nuisance Ordinances and the rental of a skate park for a specific function.

Mr. John Nance, Assistant City Attorney, responded to questions and concerns of Representatives Power and Lozano.

Ms. Debbie Hamlyn, Deputy CAO for Quality of Life Services, explained the reasoning for the Ordinance and suggested that a Parks & Recreation Legislative Review be scheduled for further discussion.

Ms. Marilyn Mischen, citizen, requested that the Legal Department include provisions addressing noise levels, closing times, and limiting the number of attendants for private functions. She also addressed traffic and parking concerns on Ladero due to the lack of parking at the Carolina Recreation Center skate park and commented on the lack of restroom and water fountain facilities.

Representatives Power and Lozano asked questions of City staff.

Representative Cobos made comments.

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ORDINANCE 15768

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 8 & 9, BLOCK 74, FRANKLIN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (1818 RIO GRANDE) FROM A-2 (APARTMENT) TO A-O (APARTMENT OFFICE) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained A/O zoning requirements. He noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended the S/D zoning and answered questions from and responded to comments made by the Council Members.

Mr. Luis Sanchez, Golden Hills Neighborhood Association, stated the Association would support A/O zoning.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15769

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00066, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 7B, BLOCK 35, YSLETA GRANT AND A PORTION OF TRACT 2A, U.S. PARCEL NO. 10, EL PASO, EL PASO COUNTY, TEXAS (WEST OF INDEPENDENCE DRIVE AND EAST OF LOOP 375) PURSUANT TO SECTION 20.22.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15770

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00008 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1 AND 2, BLOCK 31, FRANKLIN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15771

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 1 - 10, BLOCK 13, HART'S SURVEY NO. 9, EL PASO, EL PASO COUNTY, TEXAS (NORTHWEST CORNER OF MESA STREET AND ARIZONA AVENUE) FROM A-3 (APARTMENT) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15772

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 331 AND 332, SUNRISE ACRES NUMBER ONE, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Rojas
NAYS: None Absent: None

Council Member Cobos was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to postpone four (4) weeks a public hearing to determine if the property located at 150 Cherry Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 15th, 2003. The owners of this property, Juan and Maria Flores, 150 Cherry Street, El Paso, Texas 79915, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....
*Motion made, seconded and unanimously carried to delete a public hearing to determine if the property located at 111 Buena Vista Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 20th, 2003. The owners of this property, Charles Jr. and Doreen Wylie AKA Charles Jr. and Doreen Wiley, 7309 O'Dell Drive, El Paso, Texas 79934, have been notified of the violations at this property. Delinquent taxes in the amount of \$2,131.31.

.....
*Motion made, seconded and unanimously carried to delete a public hearing Public hearing to determine if the property located at 148-150 N. Brown Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated October, 2002. The owner of this property, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.00.

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ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Human Resources Department be authorized to submit a grant application to the **EL PASO COMMUNITY FOUNDATION** for a grant of \$10,000.00 and be authorized to sign all the necessary related documents. If the City is awarded the grant, the funds will be used for the hiring of the participants of the TACE (Transition Adjustment and Career Education) Program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a Grant Application to Jobe Concrete Products, Inc. on behalf of the City of El Paso in the amount of \$21,000.00 for the Mission Trail Harvest Market; and

That the Mayor's Office, be authorized to furnish such additional information as may require in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by Jobe Concrete Products, Inc.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a Grant Application to the Wells Fargo Foundation on behalf of the City of El Paso in the amount of \$9851.00 for the Mission Trail Harvest Market; and

That the Mayor's Office, be authorized to furnish such additional information as may require in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by Wells Fargo Foundation.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement with the Ysleta Independent School District (District) under which 0.5 acres of land, more or less, will be made available for the joint use of the City and the District to provide a shade canopy at Scotsdale Elementary School for the use of the students and for the citizens of El Paso. Costs to the City are estimated to be \$12,500.00. The use of Representative District 5 Discretionary Funds for such costs are hereby authorized.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the El Paso Arbor Day Celebration, to be held beginning at 10:30 a.m. on Saturday, May 1, 2004, at Memorial Park, 3100 Copper Avenue, be designated a City-sponsored function; and that City participation in the Event by the staff and resources of the El Paso Parks and Recreation Department, and other City departments as required, is hereby authorized.

*Motion made, seconded and unanimously carried to appoint Alan Simpson to the Airport Board by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded and unanimously carried to delete the authorization to allocate \$500 from District No. 6 Council Special Projects (discretionary funds) for Keep El Paso Beautiful, for the Great American Cleanup on April 24, 2004.

*Motion made, seconded and unanimously carried to allocate \$700.00 from District 2 Discretionary Funds to assist with the Arbor Day Celebration, a City sponsored function scheduled for May 1, 2004 at Memorial Park.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to reconsider budget transfer BT2004-645 BUILDING AND PLANNING SERVICES.

Motion made by Representative Cook, seconded by Representative Power and carried to postpone one (1) week budget transfer BT2004-645 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$120,000 to pay for infrastructure improvements in connection with the development of park site at Franklin Hills. Funding source is HFC funds.

Increase	\$120,000	to	31125001/PPR000327624/508027	Construction
Increase	\$120,000	to	31125001/P50145827610/407002	Est Rev
Decrease	\$120,000	from	31125001/P50145827610/507001	Intrfd Trf
Increase	\$120,000	to	31125001/PPR000327624/407001	Intrfd Trf

AYES: Representatives Cushing, Lozano, Cook, Power, Escobar and Rojas
 NAYS: Representatives Austin and Cobos

NOTE: This item was discussed together with Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code; and

Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer.

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 *Motion made, seconded and unanimously carried to postpone eight (8) weeks the introduction of an Ordinance Amending Title 18 (Building and Construction), by creating Chapter 18.11 (Barrier Free Construction), to require Specific Design Features to create barrier-free construction in new Single Family Dwellings, Duplexes, Triplexes, and Townhomes constructed within approved subdivisions. The penalty as being provided in Chapter 1.08.

No action was taken on the discussion and action related to the unanimous action of the El Paso City Council on April 13, 2004, to "direct staff" to provide a proposal to City Council to allow the "building industry" the authority to utilize "premium third party service for plan review while paying all applicable city fees", within one (1) week.

NOTE: This item was discussed together with the Report from the Building Permits & Inspections Department on community site visits evaluating plan review, inspections, and third party services.

See page 18 for discussion.

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SECOND ADDITION TO THE AGENDA

RESOLUTION

A RESOLUTION OF THE CITY OF EL PASO, TEXAS, OPPOSING ANY SCHOOL FINANCE OR TAX SYSTEM REFORMS THAT WOULD NEGATIVELY AFFECT CITY REVENUES AND ECONOMIC DEVELOPMENT EFFORTS

WHEREAS, it is likely that the Texas Legislature will address school finance and tax system reforms in the near future; and

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Bashar Abugalyon v. City of El Paso, Cause No. EP-03-CV-515. (551.071)
- B. Isabel Burke and Cecilia Aguirre vs. City of El Paso, Texas, United States District Court; Cause No. EP-03-CA-0426-FM. (551.071)
- C. Housing Authority of the City of El Paso v. City of El Paso, et al, Appeal No. 08-03-00376-CV. (551.071)
- D. Glenn Thyron, 03-C-102 (551.071)
- E. Fernando Armendariz, 04-C-010 (551.071)
- F. Sonia Molook, 04-C-035 (551.071)
- G. Hernan Valenzuela, 04-C-037 (551.071)
- H. Dan Lawyer, 04-C-045 (551.071)

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:34 p.m., during which time motions were made as follows:

Representatives Austin, Cushing and Rojas were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to settle and prepare and file all appropriate documents in the case entitled **BASHAR ABUGALYON vs. THE CITY OF EL PASO**, pending in the United States District Court under Cause No. EP-03-CV-515-FM, as recommended by the City Attorney's Office.

Representative Cushing was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the settlement demand in the case entitled *Isabel Burke and Cecilia Aguirre vs. City of El Paso, Texas* pending in the United States District Court; Cause No. EP-03-CA-0426-FM, be **DENIED**.

Representative Cushing was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and carried that the City Attorney's Office be authorized to proceed with appellate activity in the case entitled *Housing Authority of the City of El Paso v. City of El Paso, et al*, designated as Appeal No. 08-03-00376, as recommended by the City Attorney's Office.

- AYES: Representatives Lozano, Cook, Power, Escobar, Rojas and Cobos
- NAYS: Representative Austin
- NOT PRESENT: Representative Cushing

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that claim entitled **Glenn Thyron; Our File No. 03-C-102** be **DENIED** as recommended by the City Attorney.

Representative Cushing was not present for the vote.

